



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

PLANNING BOARD GENERAL APPLICATION FORM TOWN OF SOUTHERN SHORES, NC 27949

Date: 2/15/19 Filing Fee: \$200 Receipt No. N/A Application No. ZTA-19-01

NOTE: The Planning Board will follow the specific provisions of the Zoning Ordinance Chapter 36. Article X Administration and Enforcement, Section 36-299.

Please check the applicable Chapter/Article:

- ☐ Chapter 30. Subdivisions-Town Code
- ☐ Chapter 36. Article VII. Schedule of District Regulations. Section 36-207 C-General Commercial District
- ☐ Chapter 36. Article IX. Planned Unit Development (PUD)
- ☐ Chapter 36. Article X. Administration and Enforcement, Section 36-299 (b) Application for Building Permits and Site Plan Review other than one and two family dwelling units *
- ☐ Chapter 36. Article X. Section 36-300-Application for Permit for Conditional Use
- ☐ Chapter 36. Article X. Section 36-303 Fees
- ☒ Chapter 36. Article X. Section 36-304-Vested Rights
- ☒ Chapter 36. Article XIV. Changes and Amendments

Certification and Standing: As applicant of standing for project to be reviewed I certify that the information on this application is complete and accurate.

Applicant

Name Town of Southern Shores
Address: 5375 N. Virginia Dare Trl.
Southern Shores, NC 27949
Phone 261-2394 Email whiskey@southernshores-nc.gov

Applicant's Representative (if any)

Name _____
Agent, Contractor, Other (Circle one)
Address _____
Phone _____ Email _____

Property Involved: ___ Southern Shores ___ Martin's Point (Commercial only)

Address: _____ Zoning district _____

Section _____ Block _____ Lot _____ Lot size (sq.ft.) _____

Request: ___ Site Plan Review ___ Final Site Plan Review ___ Conditional Use ___ Permitted Use
___ PUD (Planned Unit Development) ___ Subdivision Ordinance ___ Vested Right ___ Variance

Change To: ___ Zoning Map ☒ Zoning Ordinance

W. H. Hunt
Signature

2-15-19
Date

* Attach supporting documentation.



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AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, the Town of Southern Shores (the "Town") is a predominately single-family residential community for families and retirees, as well as a vacation destination for seasonal visitors who rent single-family dwellings; and

WHEREAS, The Town is a quiet seaside residential community comprised primarily of small low density neighborhoods consisting of single family homes primarily on large lots (i.e., at least 20,000 sq ft); and

WHEREAS, the Town has long desired to maintain its low density residential character by not permitting large oversized homes, increased commercial development and increased density. The Town recognizes that increases in density increase the need for public services related to safety, fire prevention, water supply, schools and traffic congestion; and

WHEREAS, the Town recognizes that a growing trend on the Outer Banks and other coastal areas in North Carolina and nationally, is to construct large buildings on residentially zoned properties which purport to be single-family dwellings, but which are often designed for and after construction and permitting advertised, maintained and used as vacation cottages or event facilities for large numbers of people; and

WHEREAS, pursuant to North Carolina General Statutes § 160A-174 the Town may enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town, and may define and abate nuisances; and

WHEREAS, pursuant to N.C.G.S. § 160A-381, the Town may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the "Town's Zoning Ordinance") and has codified the same as Chapter 36 of the Town's Code of Ordinances (the "Town Code"); and

1
2 **WHEREAS**, pursuant to N.C.G.S. § 160A-383, the Town may use zoning
3 regulations to provide adequate light and air; to prevent the overcrowding of land; to
4 avoid undue concentration of population; to lessen congestion in the streets; to secure
5 safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision
6 of transportation, water, sewerage, schools, parks, and other public requirements. In
7 doing so, the Town may take into account the character of the Town's zoning districts
8 and their peculiar suitability for particular uses with a view to conserving the value of
9 buildings and encouraging the most appropriate use of land throughout the Town; and

10
11 **WHEREAS**, 2015 N.C. Sess. Law 86 made substantial changes to the text of
12 N.C.G.S. § 160A-381(h) which limited the Town's authority to regulated "building
13 design elements." In particular, the changes to N.C.G.S. § 160A-381 prohibit the Town
14 from regulating density or use of residential structures through restrictions on the number
15 of bedrooms as the Town has historically regulated such density. These changes require
16 that the Town's Zoning Ordinance be updated accordingly; and

17
18 **WHEREAS**, the Town finds that in order to effectively regulate the density of
19 population within the Town following the adoption of 2015 N.C. Sess. Law 86 the Town
20 must regulate the size and bulk of residential structures within its jurisdiction and the use
21 of property as vacation cottages, particularly those having maximum overnight
22 occupancy and/or septic capacity in excess of fourteen (14) persons; and

23
24 **WHEREAS**, the Town finds that vacation cottages, whether offered for rental or
25 not, with overnight occupancy or septic capacity of fourteen (14) persons or less should
26 be a permitted use in certain residential districts, and that vacation cottages having a
27 greater overnight occupancy or septic capacity should be prohibited in order to regulate
28 the density of population within the Town.

29
30 **WHEREAS**, the Town finds that such regulation will not result in a decrease in
31 value of buildings and lands within the Town and is consistent with the Town's unique
32 single-family residential nature and character; and

33
34 **WHEREAS**, the Town further finds that in accordance with the findings above it
35 is in the interest of and not contrary to the public's health, safety, morals and general
36 welfare for the Town to amend the Town's Zoning Ordinance and Town Code of
37 Ordinances as stated below.

38
39 **ARTICLE II. Construction.**

40
41 For purposes of this ordinance amendment, underlined words (underline) shall be
42 considered as additions to existing Town Code language and strikethrough words
43 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
44 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses
45 ("...") shall remain as they currently exist within the Town Code.
46

1 **ARTICLE III. Amendment of Zoning Ordinance.**

2
3 NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern
4 Shores, North Carolina, that the Town Code shall be amended as follows:

5
6 **PART 1. That Sec 36-57. Definitions of specific terms and words.** be amended as
7 follows:

8 ...

9 *Dwelling, large home*, means any residential structure exceeding the maximum size,
10 maximum transient occupancy capacity or maximum septic capacity for such structures
11 in the zoning district in which it is located. Large home dwellings are not a permitted use
12 in any zoning district.

13 ...

14
15 Transient occupancy, means overnight occupancy in a residential structure for periods of
16 less than thirty (30) days for vacation, leisure, recreation or other purposes by a person or
17 persons who have a place of residence to which they intend to return including when such
18 property or structure is offered in whole or in part for rent or use by the day, week, or
19 other period of less than thirty (30) days.

20 ...

21
22 Vacation cottage, means the use of a property and associated single-family dwelling in
23 whole or in part for any part of a calendar year for the purpose of transient occupancy.
24 Any property or structure advertised in a manner meeting the definition of vacation
25 cottage shall be presumed to be actually in use as a vacation cottage.

26 ...

27
28 **PART 2. That Sec 36-202. RS-1 single-family residential district.** be amended as
29 follows:

30 (a) *Intent*. The RS-1 district is established to provide for the low-density development of
31 single-family detached dwellings in an environment which preserves sand dunes, coastal
32 forests, wetlands, and other unique natural features of the coastal area. The district is
33 intended to promote stable, permanent neighborhoods characterized by low vehicular
34 traffic flows, abundant open space, and low impact of development on the natural
35 environment and adjacent land uses. In order to meet this intent, the density of population
36 in the district is managed by establishment of minimum lot sizes, building setback and
37 height limits, parking regulations and maximum occupancy limits for single-family
38 residences used as vacation cottages.

39 ...

40 (b) Permitted uses. The following uses shall be permitted by right:

41 (1) Detached single-family dwelling and vacation cottages provided that such residential
42 structure shall not be: (i) advertised to accommodate, designed for, constructed for or
43 actually occupied by more than fourteen (14) overnight occupants when used as a
44 vacation cottage; or (ii) have a maximum septic capacity sufficient to serve more than
45 fourteen (14) overnight occupants.

46 ...

1
2 **PART 3. That Sec 36-205. R-1 low-density residential district.** be amended as
3 follows:

4 (a) *Intent.* The R-1 district is intended to encourage the development of permanent low-
5 density residential neighborhoods and community facilities necessary for the health and
6 safety and general welfare of the community. In order to meet this intent, the density of
7 population in the district is managed by establishment of minimum lot sizes, building
8 setback and height limits, parking regulations and maximum occupancy limits for single-
9 family residences used as vacation cottages.

10 ...
11 (b) Permitted uses. The following uses shall be permitted by right:
12 (1) Detached single-family dwelling and vacation cottages provided that such residential
13 structure shall not be: (i) advertised to accommodate, designed for, constructed for or
14 actually occupied by more than fourteen (14) overnight occupants when used as a
15 vacation cottage; or (ii) have a maximum septic capacity sufficient to serve more than
16 fourteen (14) overnight occupants.

17 ...
18
19 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
20 **Reasonableness.**

21
22 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
23 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
24 is applicable. For all of the above-stated reasons, any reasons stated during the meetings
25 at which this ordinance amendment was considered and any additional reasons
26 supporting the Town's adoption of this ordinance amendment, the Town considers the
27 adoption of this ordinance amendment to be reasonable and in the public interest.

28
29 **ARTICLE V. Severability.**

30
31 All Town ordinances or parts of ordinances in conflict with this ordinance amendment
32 are hereby repealed. Should a court of competent jurisdiction declare this ordinance
33 amendment or any part thereof to be invalid, such decision shall not affect the remaining
34 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
35 Town of Southern Shores, North Carolina which shall remain in full force and effect.

36
37 **ARTICLE VI. Effective Date.**

38
39 This ordinance amendment shall be in full force and effect from and after the ____ day of
40 _____, 2019.

41
42
43
44
45 _____,
46 Tom Bennett, Mayor

1
2
3 ATTEST:

4
5
6 _____
7 Town Clerk
8
9

10 APPROVED AS TO FORM:

11
12
13 _____
14 Town Attorney
15

16 Date adopted:

17
18 _____
19 Motion to adopt by Councilmember:

20 _____
21 Motion seconded by Councilmember:
22
23
24
25

Vote: ____AYES ____NAYS